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Attorneys for Defendants

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

|                               |   |   |
|-------------------------------|---|---|
| SIERRA CLUB,                  | ) | CASE NO. 17-cv-05273-KAW                  |
|                               | ) |   |
| Plaintiff,                    | ) | STIPULATION AND <del>PROPOSED</del> ORDER |
|                               | ) | CONTINUING CASE MANAGEMENT                |
| v.                            | ) | CONFERENCE                                |
|                               | ) |   |
| U.S. DEPARTMENT OF HOMELAND   | ) |   |
| SECURITY and U.S. CUSTOMS AND | ) |   |
| BORDER PROTECTION,            | ) |   |
|                               | ) |   |
| Defendants.                   | ) |   |

Plaintiff Sierra Club ("Plaintiff") and Defendants United States Department of Homeland Security and U.S. Customs and Border Protection ("Defendants"), by and through their respective counsel, make the following representations and stipulate and agree as follows:

1 This case is set for a case management conference on July 17, 2018 before Magistrate Judge  
2 Kandis A. Westmore. Dkt. No. 29.

3 On March 26, 2018, the parties agreed to a production schedule that requires Defendants to  
4 conduct new searches for documents responsive to Plaintiff's Freedom of Information Act requests  
5 using search terms agreeable to both parties. See Dkt. No. 29.

6 On May 31, the agency produced 1,009 pages of documents, and on June 25, the agency  
7 produced about 1,100 pages. All but 132 of the pages in the June 25 production contained redactions.  
8 Both productions included many pages that were redacted in full or nearly so. The agency cited various  
9 FOIA exemptions or "non-responsive" to justify most redactions, but no other explanation was  
10 provided. The primary FOIA exemptions cited were FOIA exemptions (b)(5), (b)(6), and (b)(7)(E).  
11 On July 6, counsel for the parties conferred about the documents produced to date and agreed to  
12 continue to confer over the next month about the production thus far to attempt to resolve Sierra Club's  
13 concerns about the high level of redaction. The parties agreed that they would jointly move to continue  
14 the July 17, 2018 case management conference in light of these ongoing discussions.

15 Based on the foregoing, the parties respectfully request that the July 17, 2018 case management  
16 conference be continued until August 21, 2018.

17  
18 Dated: July 10, 2018

Respectfully submitted,

SIERRA CLUB ENVIRONMENTAL LAW PROGRAM

/s/ Marta Darby  
MARTA DARBY  
Attorney for Plaintiff

22 Dated: July 10, 2018

Respectfully submitted,  
ALEX G. TSE  
Acting United States Attorney

/s/ Julie Bibb Davis  
JULIE BIBB DAVIS  
Assistant United States Attorney  
Attorneys for Defendants

1 **PROPOSED** ORDER

2 Pursuant to the stipulation by the parties, the Court hereby continues the July 17, 2018 case  
3 management conference to August 21, 2018 at 1:30 p.m. before Magistrate Judge Kandis A. Westmore.  
4 The parties shall file a joint case management conference statement on or before August 14, 2018.

5 IT IS SO ORDERED.

6  
7 Dated: 7/16/18

  
THE HONORABLE KANDIS A. WESTMORE  
UNITED STATES MAGISTRATE JUDGE